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November 15, 2022

The Honorable Sarah Netburn  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *Set Capital LLC, et al., v. Credit Suisse Group AG, et al.,*  
*No. 18-CV-02268 (AT) (SN)*

Dear Judge Netburn:

Lead Plaintiffs respectfully submit this letter to request that the Court order Defendants to provide dates of availability for the depositions of Individual Defendant David R. Mathers and the nine additional witnesses that Credit Suisse's counsel represents noticed by Lead Plaintiffs, and grant Lead Plaintiffs permission to take the deposition of up to fifteen party witnesses.

Lead Plaintiffs have noticed the depositions of eleven (11) party witnesses. On October 18, 2022, Lead Plaintiffs noticed the depositions of Individual Defendants Tidjane Thiam and David R. Mathers. On October 25, 2022, Lead Plaintiffs noticed the depositions of six additional former or current Credit Suisse employees. On October 28, 2022, Lead Plaintiffs noticed the depositions of two additional former or current Credit Suisse employees. Finally, on November 3, 2022, Lead Plaintiffs noticed the deposition of one more former or current Credit Suisse employee. In the emails accompanying all of these notices, pursuant to the practice and agreement between the parties, Lead Plaintiffs asked for proposed dates for the witnesses. Plaintiffs also sent to Defendants several follow-up emails asking for proposed deposition dates for these 11 witnesses. To date, Defendants have provided only one deposition date for one deponent (Defendant Thiam, on December 12). Defendants excuse their lethargy by informing Lead Plaintiffs that if "scheduling these depositions before January 31 does become an issue, we will meet and confer on an appropriate extension of the schedule." With the January 31 deadline for the completion of fact discovery fast approaching, if Defendants do not provide Lead Plaintiffs with proposed deposition dates for the remaining ten noticed party witnesses promptly, Lead Plaintiffs will not be able to meet the Court-ordered deadline for the close of fact discovery. Accordingly, Lead Plaintiffs respectfully request that the Court order Defendants to provide dates of availability for all ten outstanding party witnesses no later than Wednesday, November 23, 2022.



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Relatedly, Defendants – despite it being a matter of routine practice in large securities class actions such as this one – have refused to consent to Lead Plaintiffs’ taking more than ten depositions. Under Rule 30, “[a] party must obtain leave of court, and the court must grant leave to the extent consistent with Rule 26(b)(1) and (2) ... if the parties have not stipulated to the deposition and ... the deposition would result in more than 10 depositions being taken[.]” That is, so long as the depositions are relevant, proportional to the needs of the case, and not unduly burdensome, Lead Plaintiffs are entitled to conduct more than ten depositions. That standard is easily satisfied here: this litigation involves billions of dollars exchanged between highly sophisticated entities; document discovery has required the review of hundreds of thousands of pages of information; Lead Plaintiffs’ request for 11 depositions so far is not disproportionate to the needs of the case; and each of the 11 noticed witnesses have relevant information regarding the claims at issue. With this in mind, Lead Plaintiffs now move for leave of the Court to conduct a maximum of fifteen party<sup>1</sup> depositions.

Respectfully submitted,

/s/ Laura H. Posner

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*Counsel for Lead Plaintiffs and the  
Proposed Class*

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<sup>1</sup> “Party” meaning current or former employees of Defendant Credit Suisse. While Lead Plaintiffs have not yet noticed any deponents unaffiliated with Credit Suisse, review of documents produced by Defendants and third-party CBOE suggests Lead Plaintiffs may need to do so at a future date.